

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 829-522

C# M#

NAKATSU et al

Group Art Unit: 2811

Serial No. 09/373,544

Examiner: Donghee Kang.

Filed: August 13, 1999

Date: June 19, 2003

Title: SEMICONDUCTOR LIGHT-EMITTING DIODE



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

**Fees are attached as calculated below:**

Total effective claims after amendment 16 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 4 minus highest number  
previously paid for 4 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

**Subtotal \$ 0.00**

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.  
By Atty: H. Warren Burnam, Jr., Reg. No. 29,366

Signature: *H. Warren Burnam, Jr.*

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For: SEMICONDUCTOR LIGHT-EMITTING DIODE

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\* \* \* \* \*

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**REQUEST FOR RECONSIDERATION**

Responsive to the Official Action dated April 4, 2003, please consider the favorably further remarks below for patentability of the claims of the above-identified application.

As the application now stands, claims 11, 14 and 15 are rejected under 35 USC §102(e) as being anticipated by U.S. Patent 5,814,839 to Hosoba. Claims 1, 3-4, 12-13 and 16 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,814,839 to Hosoba. All prior art rejections are again respectfully traversed.

**Independent Claim 1**

Claim 1 requires, e.g., that a lattice mismatch of the current diffusion layer is -1% or smaller. The Examiner admits that a lattice mismatch of -1% or smaller is not taught in Hosoba. However, the Examiner contends that it would have been obvious to minimize lattice mismatch of the current diffusion layer in order to prohibit a high dislocation density which degrades optical properties.

#18  
Seaborn  
Recon  
J. Maindon  
6/28/03

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